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Summary record of the 3rd meeting
Held at Headquarters, New York, on Wednesday, 29 October 2008, at 3 p.m.

Chairman: Mr. d'Escoto Brockmann. . . . . (Nicaragua)
(President of the General Assembly)

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The meeting was called to order at 3.15 p.m.

Agenda item 7: Organization of work, adoption of the agenda and allocation of items: reports of the General Committee (A/63/53, 233 and 234)

Request for the inclusion of an additional item submitted by the Congo (A/63/233)

1. **The Chairman** drew attention to the request submitted by the Congo for the inclusion in the agenda of the current session of an additional item entitled "Recognition of sickle-cell anaemia as a public heath priority" (A/63/233). The representative of the Congo had asked to address the Committee in accordance with rule 43 of the rules of procedure.

2. *At the invitation of the Chairman, Mr. Biaboroh-Iboro (Congo) took a place at the Committee table.*

3. **Mr. Biaboroh-Iboro** (Congo) said that sickle-cell anaemia had received little attention; yet it was the world's most widespread genetic blood disease, affecting some 100 million people. Principally in Africa, the Caribbean and the Americas, over 500,000 children were born with the disease. Without prompt and thorough attention, around half of them would die. Numerous initiatives organized by international agencies, civil society and the First Ladies of several African States had highlighted the need for action. To that end, it was vital to recognize the disease as a public health priority.

4. The Committee decided to recommend that the General Assembly should include in the agenda an item entitled "Recognition of sickle-cell anaemia as a public health priority".

5. The Committee decided to recommend that the General Assembly should consider the item directly in plenary meeting.

6. *Mr. Biaboroh-Iboro (Congo) withdrew.*

Request for the inclusion of an additional item submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan (A/63/234)

7. **The Chairman** drew attention to the request submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan for the inclusion in the agenda of the current session of an additional item entitled "Granting of observer status for the International Fund for Saving the Aral Sea in the General Assembly" (A/63/234).

8. *The Committee decided to recommend that the General Assembly should include in the agenda an item entitled "Granting of observer status for the International Fund for Saving the Aral Sea in the General Assembly" under heading 1 (Organizational, administrative and other matters).*

9. **The Chairman**, recalling the provisions of General Assembly resolution 54/195 of 17 December 1999 concerning criteria and procedures for the granting of observer status in the General Assembly, said he took it that the General Committee wished to recommend that the additional item should be allocated to the Sixth Committee.

10. *It was so decided.*

Allocation of agenda item 58 entitled "Report of the Human Rights Council" (A/63/53)

11. The Chairman noted that the representative of Guyana had asked to address the Committee in accordance with rule 43 of the rules of procedure.

12. *At the invitation of the Chairman, Mr. Talbot (Guyana) took a place at the Committee table.*

13. **Mr. Talbot** (Guyana), speaking on behalf of the Caribbean Community, said that he supported the allocation of the agenda item on the report of the Human Rights Council to the Third Committee. The Council was a subsidiary body of the General Assembly. The Third Committee was mandated to consider human-rights issues and was capable of doing so in depth. Moreover, the Committee, unlike the Council, was universal in membership. Many States, including most members of the Caribbean Community, had no permanent mission in Geneva and were thereby excluded from the Council's work, a situation that did not lend itself to inclusiveness or transparency.

14. General Assembly resolution 60/251, which had established the Council, provided for a review to be held five years after its establishment. The proper forum for consideration of the Council's report could be decided at that stage, in order to avoid a repetitive debate.

15. *Mr. Talbot (Guyana) withdrew.*

16. **Mr. Renié** (France) said that the terms of the discussion were already well known. His country

believed that the Council's importance, and the fact that it had been established by the General Assembly, justified the consideration of its report in plenary meeting. He could understand the concerns of other States such as Guyana; his position was in no way intended to reduce the Committee's role.

17. At the sixty-first session, the Council's recommendations had been considered by the Third Committee, including those on developing international law. Its report as a whole had been considered by the plenary Assembly. That compromise solution was a balanced one. It preserved the role of the Committee while also emphasizing the value of the Council, and had the support of the European Union and of a great number of other Member States.

18. **Mr. Wolfe** (Jamaica) associated himself with the statement made by the representative of Guyana: the report should be allocated to the Third Committee. The Council was a subsidiary organ of the General Assembly rather than a Charter organ. Rule 97 of the rules of procedure provided that items relating to the same category of subjects should be referred to the committee or committees dealing with that category. His own experience chairing the Committee made him confident that it would treat the item in a constructive, sensitive and mature manner.

19. **Ms. Ogwu** (Nigeria) recalled that, at the sixty-first session of the General Assembly, the Council's report had been considered both in plenary meeting and by the Third Committee, whereas at the sixty-second session, the report had been considered by the Committee alone. There was therefore as yet no established precedent.

20. Her delegation believed that the full report should be considered in plenary meeting, and its recommendations by the Third Committee. That compromise solution would give greater visibility to the Council.

21. **Mr. Abdelaziz** (Egypt) said that the Council's report should be considered by the Third Committee, which was universal in membership and frequently handled critical human-rights issues. The Council could in any event not be elevated to the status of a main organ without a decision from the General Assembly, and possibly an amendment to the Charter of the United Nations.

22. His delegation was prepared to show flexibility in returning to the compromise solution of the sixty-first session. However, it had not yet heard a compelling case for doing so. Moreover, any compromise solution should allow the General Assembly to discuss and act on any part of the report, and not merely on specific recommendations.

23. The General Committee was not the appropriate setting for the discussion at hand. Closed meetings should be convened in order to agree on a systematic approach.

24. **Ms. Cross** (United Kingdom) supported the compromise suggested by the representatives of France and Nigeria: the report should be considered both by the plenary Assembly and by the Third Committee, and the latter should consider and act on the recommendations. The previous Council's report had included the institution-building package. That special circumstance had warranted a different solution, but was now no longer relevant. She welcomed the representative of Egypt's call for further discussions, possibly in a different forum.

25. **Mr. Al-Bayati** (Iraq) said that a new compromise arrangement was now required, based on a division of labour between the General Assembly and the Committee. Such a solution would highlight the role of the Council without weakening the Third Committee.

26. **Mr. Argüello** (Argentina) said he understood the concerns raised by the representative of Egypt. A uniform approach had not yet been developed. His own delegation believed that the Council should be given as much visibility as possible. As a compromise, the General Assembly should consider the Council's report and the Third Committee should consider the recommendations contained therein. That solution would not pre-judge the outcome of the debate that must take place in the future.

27. **Mr. Virella** (Spain) said that his delegation supported the compromise that had been proposed by the representatives of France and Nigeria; it was clear that an increasing number of delegations agreed that the report of the Human Rights Council should be allocated both to the plenary Assembly and to the Third Committee.

28. **Mr. Salgueiro** (Portugal) said his delegation was of the view that the report should be allocated to the plenary Assembly because the Human Rights Council

had been established with a view to enhancing the prestige of the Organization with respect to human-rights issues.

29. **Ms. Ithete** (Namibia) said that the Human Rights Council should report to the plenary Assembly, given that it was a subsidiary body of the Assembly. However, her delegation would not object if the report was discussed first by the Third Committee.

30. **Mr.** Kyaw Tint **Swe** (Myanmar) said that the report should be considered by the Third Committee, which was capable of dealing with the issues raised by the Human Rights Council.

31. **Mr. Hagen** (United States of America) said his delegation was of the view that the report should be considered only by the Third Committee, as the body to which human-rights issues had been allocated. Such a course would not adversely affect the Council's prestige.

32. **Mr. Majoor** (Netherlands) said it was important to take action on the allocation of agenda item 58, as it would have an immediate impact on the programme of work of the Third Committee.

33. **Ms. Zhang** Dan (China) said that, at the sixty-second session, the General Committee had decided to recommend that the Third Committee should consider the report of the Human Rights Council. Nothing had changed since that decision had been taken. The decision taken in 2006 that the item should be allocated to both the plenary Assembly and the Third Committee had been a special arrangement because the Council had been recently established.

34. **Mr. Rogachev** (Russian Federation) said that his delegation did not reject all other proposals but had a clear preference that the report should be considered by the Third Committee.

35. **Mr. Beck** (Solomon Islands) said his delegation believed that the report should be considered by the relevant experts of the Third Committee.

36. **Mr. Siles Alvarado** (Bolivia) said he recalled that the Human Rights Council had been established following the failure of the Commission on Human Rights, which had tended to politicize human-rights issues. Given that the Council was a subsidiary body of the General Assembly, its reports should be considered by the Assembly in future. However, his delegation was willing to accept a compromise proposal during the transitional period.

37. **The Chairman** said that the representatives of Liechtenstein and New Zealand had asked to address the Committee in accordance with rule 43 of the rules of procedure.

38. *At the invitation of the Chairman, Mr. Wenaweser (Liechtenstein) took a place at the Committee table.*

39. **Mr. Wenaweser** (Liechtenstein) said that it would have been better if delegations had held informal consultations on the issue. His delegation supported the proposal that the item should be allocated to the plenary Assembly, though that would not preclude discussion of the report in detail by the Third Committee. The status of the Council had not been called into question, because the Council could make certain autonomous decisions without the approval of the Assembly.

40. *Mr. Wenaweser (Liechtenstein) withdrew.*

41. *At the invitation of the Chairman, Mr. Banks (New Zealand) took a place at the Committee table.*

42. **Mr. Banks** (New Zealand), speaking also on behalf of Norway and Switzerland, expressed support for the compromise proposal that the agenda item should be allocated both to the plenary Assembly and to the Third Committee. It seemed that the majority of delegations supported that proposal.

43. *Mr. Banks (New Zealand) withdrew.*

44. **The Chairman** said it seemed there was a consensus that the recommendations in the report should be discussed by the Third Committee and the report as whole should be considered by the plenary Assembly.

45. **Mr. Abdelaziz** (Egypt) said it should be noted that in the event of such an agreement, delegations would not be prevented from submitting draft resolutions or decisions to either body.

46. **Mr. Hagen** (United States of America) said it was not wise that the report should be considered by both bodies. It would be better to follow the established rules of procedure that stated that the Third Committee was the body that should consider human-rights issues. After the report had been discussed by the Third Committee, it might also be discussed further in plenary meeting.

47. **Mr. Wolfe** (Jamaica) said that his delegation's position had not changed. However, it would support any compromise put forward by the Chairman on the understanding that it should not establish a precedent for the future.

48. **Mr. Abdelaziz** (Egypt) said that it would be advisable for delegations to hold informal consultations on the allocation of agenda item 58.

The meeting was suspended at 4.20 p.m. and resumed at 4.50 p.m.

49. **The Chairman** said he took it that the Committee decided to recommend to the Assembly that agenda item 58 should be considered in plenary meeting and in the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the General Assembly, including those that dealt with the development of international law in the field of human rights without prejudice to the right of Member States to submit draft resolutions and decisions on all issues considered in the report. That arrangement was in no way a reinterpretation of General Assembly resolution 60/251 and would be reviewed before the beginning of the sixty-fourth session of the General Assembly.

50. *It was so decided.*

The meeting rose at 4.55 p.m.